

**House Judiciary Committee Amendment # 1 as amended by Amendments
1 and #2 to #1**

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2758

House Bill No. 2403*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-4-115, is amended by deleting subsection (a) in its entirety and substituting the following:

(a) The comptroller of the treasury, in consultation with the Tennessee bureau of investigation, the Tennessee Sheriff's Association, the Tennessee Association of Chiefs of Police, and the Tennessee Corrections Institute, developed standardized booking procedures which include:

- (1) A photograph of the arrestee;
- (2) Two sets of fingerprint cards, properly completed and mailed to the Tennessee bureau of investigation;
- (3) Delivery to the appropriate local law enforcement agency a completed judgment order signed by a judge to be used by the local law enforcement agency for completion of an R-84 Disposition Card; and
- (4) An Arrest Report.

Where individuals are arrested multiple times for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, the arresting officer shall note on the Arrest Report that fingerprints are on file for this individual pursuant to Tennessee Code Annotated, Section 38-3-122(a).

Compliance with these standardized booking procedures shall be the basis for the comptroller of the treasury determining compliance with the fingerprinting requirements of §§ 8-

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8-201(35) and 38-3-122. The Tennessee Corrections Institute and the law enforcement training academy shall train correctional personnel in municipal, county and metropolitan jurisdictions in the application of these standardized booking procedures.

SECTION 2. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following new subdivision (4) to subsection (c):

(4) The provisions of sections (c)(2) and (c)(3) become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 3. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following sentence to the end of subsection (d):

The provisions of this subsection become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 4. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

(___). Prior to purchasing an electronic fingerprint imaging system, the Sheriff or municipal police department shall obtain certification from the Tennessee bureau of investigation that such equipment is compatible with the Tennessee bureau of investigation and the federal bureau of investigation's integrated automated fingerprint identification system.

SECTION 5. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

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(___). Subject to the approval of the General Assembly, a portion of the funds derived from the additional privilege tax levied on all criminal cases instituted in this state as provided for in Tennessee Code Annotated, Section 67-4-602(g), may be appropriated to the Tennessee bureau of investigation for the purchase, installation, maintenance, and line charges of electronic fingerprint imaging systems.

SECTION 6. Tennessee Code Annotated, Section 38-3-122(a), is amended by inserting the following between the first and second sentences of subsection (a):

Provided, however, fingerprints are not required to be taken of individuals who are repeatedly arrested and incarcerated for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, provided that the booking or arresting officer has verified that the individual's fingerprints are on file from a previous arrest.

SECTION 7. To establish the Tennessee Law Enforcement Advisory Council to evaluate the status of technological issues for law enforcement in Tennessee. A new chapter is hereby established in Tennessee Code Annotated, Title 38.

38-13-101. There is hereby created the Tennessee law enforcement advisory council.

38-13-102. The purpose of the advisory council is to monitor and evaluate the status of technological advancements and related issues to law enforcement in

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Tennessee. The advisory council will report to the Governor and the House and Senate
Judiciary Committees of the General Assembly on an annual basis as to its findings.

38-13-103. The advisory council shall consist of one representative from each of
the following: Tennessee bureau of investigation, comptroller of the treasury,
Tennessee Sheriff's Association, Tennessee Association of Chiefs of Police, office of
criminal justice, Tennessee district attorney generals conference, Tennessee corrections
institute, and Tennessee identification system users group. The advisory council may
add additional members, not to exceed four (4) members, if such council determines that
additional members would assist the council in fulfilling its duties.

38-13-104. The Tennessee law enforcement advisory council is hereby
authorized to use funds not to exceed five hundred dollars (\$500.00) per year from the
revenue derived from the additional privilege tax on litigation of one dollar (\$1.00) on all
criminal cases instituted in this state pursuant to T.C.A. 67-4-602(g), to provide
necessary support services for the advisory council. Advisory council members shall be
reimbursed for travel expenses in accordance with the comprehensive travel regulations
promulgated by the department of finance and administration and approved by the
attorney general and reporter.

SECTION 8. Tennessee Code Annotated, Section 38-3-122, is amended by adding the
following to the end of subsection (c):

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Any such funds derived from the fifteen dollar (\$15.00) increase in the amount of each handgun carry permit application fee shall not revert to the general fund on June 30 of any year but shall remain available for expenditure for its intended purpose as stated herein.

SECTION 9. This act shall take effect upon becoming law, the public welfare requiring it.

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